

ENTERED

January 23, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

LEWIS WHITMIRE,
TDCJ # 01778929,

Plaintiff,

VS.

D BOOKER, *et al*,

Defendants.

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CIVIL ACTION NO. 3:19-CV-0018

MEMORANDUM OPINION AND ORDER

Plaintiff Lewis Whitmire, an inmate at the Neal Unit of the Texas Department of Criminal Justice–Correctional Institutions Division (“TDCJ”), filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. After reviewing the pleadings, the Court concludes that this action must be transferred to the Houston Division for reasons set forth briefly below.

Whitmire contends that two correctional officers at the Holliday Unit failed to protect him from an inmate assault on an unspecified date. The Holliday Unit is in Walker County, which is located within the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 124(b)(2). Neither the parties nor the alleged civil rights violations have the requisite connection to the Southern District of Texas, Galveston Division. Therefore, the complaint was not properly filed here. *See* 28 U.S.C. § 1391(b); *Mayfield v. Klevenhagen*, 941 F.2d 346, 348 (5th Cir. 1991).

A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. *See* 28 U.S.C.

§ 1404(a), § 1406(a). In particular, Section 1404 authorizes a transfer based on considerations of convenience:

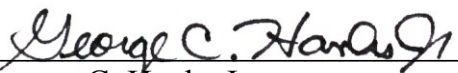
For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought . . .

28 U.S.C. § 1404(a). A district court has “broad discretion in deciding whether to order a transfer.” *Balawajder v. Scott*, 160 F.3d 1066, 1067 (5th Cir. 1999). In the interest of justice, and for the convenience of the parties and witnesses, the Court concludes that the plaintiff’s complaint should be transferred to the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 1391(b)(2); 28 U.S.C. § 1404(a).

Accordingly, the Clerk of Court is **ORDERED** to **TRANSFER** this case to the United States District Court for the Southern District of Texas, Houston Division.

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, this 23rd day of January, 2019.



George C. Hanks Jr.
United States District Judge